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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/888,899      | 06/25/2001  | Gert W. Bruning      | US010297 (7790/45)  | 1204             |

24737 7590 02/10/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

BORISSOV, IGOR N

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3629

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/888,899

**Applicant(s)**

BRUNING, GERT W.

**Examiner**

Igor Borissov

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

Amendment received on 8/26/2004 is acknowledged and entered. Claims 1-13 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al. (US 6,211,626) (Lys) in view of Yablonowski et al. (US 6,535,859) (Yablonowski).**

Lys teaches a method and system for current control of an LED lighting assembly, comprising:

#### Independent Claims

##### **Claim 1.**

installing a lighting system for a customer (C. 7, L. 1-4);

measuring the intensity of illumination generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

wherein change in said illumination is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and lumens produced.

Lys does not specifically teach determining a customer light usage fee based on the lumens.

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Yablonowski teaches a method and system for monitoring lighting systems, comprising:

measuring power consumed by the installed system (C. 1, L. 64-65); determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

**Claim 5.**

installing a lighting system for a customer (C. 7, L. 1-4);

measuring changes of light spectrum generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

wherein change in said light spectrum is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and changes in light spectrum produced.

Lys does not specifically teach determining a customer light usage fee based on the lumens.

Yablonowski teaches a method and system for monitoring lighting systems, comprising:

measuring power consumed by the installed system (C. 1, L. 64-65); determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

**Claimn 10.** Lys teaches said system, comprising:

means for measuring the intensity of illumination generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

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wherein change in illumination is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and lumens produced.

Lys does not specifically teach means for determining a customer light usage fee based on the lumens.

Yablonowski teaches said system for monitoring lighting systems, comprising:  
means for measuring power consumed by the installed system (C. 1, L. 64-65);  
and means for determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include means for determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

#### Dependent Claims

**Claims 2 and 6.** Said method wherein the lighting system includes at least one LED (Lys; C. 9, L. 45; and reasoning applied to claims 1 and 5).

**Claims 3 and 7.** Said method wherein said measuring is conducted by at least one photodiode (Lys; C. 46, L. 4; and reasoning applied to claims 1 and 5).

**Claims 4, 8 and 11.** Installing an input device to allow customer control of the lighting system (Lys; C. 13, L. 10).

**Claim 9.** Lys teaches:

measuring changes of light spectrum generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

installing an input device to allow customer control of the lighting system (Lys; C. 13, L. 10);

wherein change in said light spectrum is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and changes in light spectrum produced.

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Lys does not specifically teach determining a customer light usage fee based on the lumens.

Yablonowski teaches said method, comprising: measuring power consumed by the installed system (C. 1, L. 64-65); determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

**Claim 12.** Lys teaches:

means for measuring changes of light spectrum generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

wherein change in said light spectrum is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and changes in light spectrum produced.

Lys does not specifically teach means for determining a customer light usage fee based on the lumens.

Yablonowski teaches said system for monitoring lighting systems, comprising:

means for measuring power consumed by the installed system (C. 1, L. 64-65); and means for determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include means for determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

**Claim 13.** Lys teaches:

means for selecting a preprogrammed pattern of light to be emitted from the lighting system (C. 13, L. 6-23);

means for measuring changes of light spectrum generated by the lighting system (C. 46, L. 19-22; C. 9, L. 55-58);

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wherein change in said light spectrum is achieved by controlling the amount of current supplied (consumed) to the lighting system (C. 6, L. 60-66), thereby indicating straight correlation between energy consumed and changes in light spectrum produced.

Lys does not specifically teach means for determining a customer light usage fee based on the lumens.

Yablonowski teaches said system for monitoring lighting systems, comprising: means for measuring power consumed by the installed system (C. 1, L. 64-65); and means for determining customer usage fee based on said measurement (C. 1, L. 66 – C. 2, L. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lys to include means for determining a customer light usage fee based on the power consumed, as disclosed in Yablonowski, because a business needs funds to operate.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

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***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Igor Borissov  
Patent Examiner  
Art Unit 3629



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2/07/2005